

Remarks

Turning to the Office Action, claims 8-9 were rejected under 35 U. S. C. §101 as being directed to non-patentable subject matter and, further, claims 1-3 were rejected under 35 U. S. C. §102(e) as being anticipated by Cheng et al. (2003/0046676). Further, claim 4 was rejected under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) in view of Cohen et al. (U.S. Patent 7,051,091). Further yet, claims 5 and 6 were rejected under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Cohen et al. (U.S. Patent 7,051,091) and further in view of Carroll et al. (2003/0097211). Additionally, claim 7 was rejected under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676) in view of Vincent (2004/0015953).

Turning to the appended claims, Applicants have amended claims 1, 3-4 and 7-10, so as to distinctly and particularly point out the attributes of the present invention and to overcome the rejection and to place the application in condition for allowance. Further, Applicants have canceled claims 2 and 5-6 from further consideration in this application, as shown in the attached claims. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Turning to the rejection of claims 8-9 under 35 U. S. C. §101 as being directed to non-patentable subject matter, Applicants contend that the presently amended claims 8-9 are directed to tangible embodiments. In particular, claim 8 is directed to a computer readable medium, such as, a magnetic tape or disk, optical media, DVD, memory stick, semiconductor memory, etc. The computer readable medium contains program instructions that are loaded onto each of the recipient and donor server control consoles for updating parameters, such that, a recipient server control console can communicate with a donor server control console over a network, using a network communications channel of the network for sending and receiving communication signals for updating parameters. As such, the computer program product produces a useful, concrete and tangible result in that the selected parameters in the recipient server control console are updated (the tangible result). Accordingly, Applicants contend that the replication program for updating parameters embodied in the computer readable medium is statutory subject matter under 35 U. S. C. §101 and, thus, Applicants respectfully request withdrawal of the 35 U. S. C. §101 rejection with respect to claims 8 and Applicants respectfully request reconsideration of the presently amended claim 8.

Further, turning to the amended claim 9, Applicants have deleted the means plus function language and contend that claim 9 is directed to a computer system that includes a recipient server control console having a central processing unit for executing instructions for updating selected parameters of the recipient server control console and includes one or more donor server control consoles, each having a central processing unit for executing instruction for providing updates for the selected parameters and where the

system automatically updates the selected parameters. Accordingly, Applicants contend that the computer system for updating parameters is statutory subject matter under 35 U. S. C. §101 and, thus, Applicants respectfully request withdrawal of the 35 U. S. C. §101 rejection with respect to claims 9 and Applicants respectfully request reconsideration of the presently amended claim 9.

Applicants now turn to the rejection of claims 1-3 under 35 U. S. C. §102(e) as being anticipated by Cheng et al. (2003/0046676). In particular, Applicants have canceled claim 2 and have amended claims 1 and 3 to distinctly point out embodiments of the invention for updating parameters identified by a recipient server control console and for receiving updates for the parameters identified from specific donor server control consoles chosen by the recipient server control console, where each of the recipient server control console and the donor server control consoles are connected to a network and have installed thereon a parameter replication program for updating the identified parameters. The parameter replication program includes both a parameter replication donor program for acting as a donor server control console and a parameter replication recipient program for acting as a recipient server control console, such that, a server control console can act either as a donor or a recipient server control console or can act as both a donor and a recipient server control console. Moreover, the recipient server control console identifies which parameters it wants updated from which of the donor server control consoles on the network and registers with those specific donor server control consoles to receive notification of updates for the parameters identified and the updates for the parameters identified. Applicants contend that Cheng et al.

(2003/0046676) teaches a client-server architecture (paragraph 0048) for updating software products on multiple client computer systems, where a user or client computer has a client application that connects to a service provider computer system and downloads a portion of the database to the client computer and determines which software updates are applicable or relevant to the user's computer. This is done by first determining the products that are installed in the client computer and determining for each of these whether there is an update available for a more recent version of the software product than that installed on the client computer. [Paragraphs 0014, 0044 and 0053] Further, the client application displays the list of applicable software updates to a human user for review and selection thereof of updates for purchase and installation [Paragraph 0054] and the human user manually selects various software updates for installing on the client computer [Paragraph 0055]. As such, Applicants contend that Cheng et al. does not teach a recipient server control console identifying a select parameter to be updated by a specific donor server control console as presently claimed. As such, Applicants contend that Cheng et al. (2003/0046676) does not disclose the presently amended claims 1 and 3, and that the rejection of claims 1 and 3 under 35 U. S. C. §102(e) as being anticipated by Cheng et al. should be withdrawn and Applicants respectfully request reconsideration of the presently amended claims 1 and 3.

Turning to the rejection of claim 4 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) in view of Cohen et al. (U.S. Patent 7,051,091), Applicants contend that the combined teachings of Cheng et al. and Cohen et al. do not teach the present claims, as amended. Since the teachings of Cheng et al has

been discussed hereinabove with respect to claims 1 and 3, Applicants turn to the teachings of Cohen et al. In particular, Cohen et al. teaches employing a configuration builder to create a flexible header file and a block definition file. The flexible header file created is utilized by an application generator to create a point-of-sale (POS) application used by certain point-of-sale (POS) terminals managed by a point-of-sale (POS) management center. The block definition file created is utilized by a parameter structure generator to define a parameter structure, which is adapted to and linked to the application. Further, the parameter structure defined is employed for setting parameter values. The parameter structure defined by the parameter structure generator is automatically employed by the point-of-sale (POS) management center to configure an operator interface, so that the POS management center can automatically reflect changes made by a software programmer in the application. Furthermore, Cohen et al. teaches defining the parameter structure for a parameter, such as, titles of fields for each block of parameters corresponding to each portion of a POS application and defining a type for each of the fields defined. Typical field titles for a typical block such as the block dealing with credit purchases include: host name, transaction type and help desk phone number. Typical types of fields are: long, short and text. [column 5, lines 36-42]

Given that Cheng et al. (2003/0046676) “fails to teach a method wherein said first parameter is a help desk phone number” (paragraph 12 on page 6 of the Office Action) and given that neither Cheng et al. (2003/0046676) nor Cohen et al. (7,051,091) separately nor in combination teach the presently amended claim 4, which specifically claims identifying (not defining) a specific parameter on a recipient console which

parameter is to be updated by a specific donor console, the rejection of claim 4 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) taken in view of Cohen et al. (U.S. Patent 7,051,091) should be withdrawn and Applicants respectfully request reconsideration of the presently amended claim 4.

Turning to the rejection of claims 5 and 6 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) and Cohen et al. (U.S. Patent 7,051,091) and further in view of Carroll et al. (2003/0097211), Applicants contend that the combined teachings of Cheng et al. and Cohen et al. and Carroll et al. do not teach the present claims, as amended. Applicants note that the combined teachings of Cheng et al. and Cohen et al. have been argued herein above in response to the rejection of claim 4 and, as such, Applicants now turn to Carroll et al. Applicants contend that the additional teachings of Carroll et al. disclose a system and method for distributing data where the system includes a local data processing system that communicates with a remote service provider via a data transmission network. The remote service provider maintains a user database and a service database, where the user database stores user information for users authorized to retrieve data from the provider and the service database stores various service data for various automotive services and vehicle models. [Paragraph 0027] Further, the remote service provider maintains a web site that contains a plurality of web pages accessible by the local data processing system. The local data processing system may use a web browser to access the web pages and retrieve data from or submit data to the remote service provider. [Paragraph 0035] Further, the local data processing system provides a user interface to solicit inputs from a user. [Paragraphs 0041 and 0042] The

remote service provider may also control access to the system by creating a database for valid users. Users will be requested to log in every time with a user ID and password so that the remote service provider may determine identity of a user and authorize the user to access the service data upon verification of the user. [Paragraphs 0048 through 0050]

Given that Cheng et al. (2003/0046676) “fails to teach a method wherein said second parameter is an identity of an authorized user” (paragraph 14 on pages 5 and 6 of the Office Action) and given that Cheng et al. (2003/0046676) “fails to teach a method wherein said first parameter is an authorization of a user” (paragraph 15 on page 6 of the Office Action), as such, the rejection of the presently amended claims 5 and 6 based on the proposed combination of Cheng et al. (2003/0046676) in view of Cohen et al. in view of Carroll et al. should be withdrawn. In particular, the presently amended claims 5 and 6 which depend on base claim 1 specifically claim identifying a specific parameter on a recipient console which parameter is to be updated (and not verified) by a specific donor console, the rejection of claims 5 and 6 under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676) and Cohen et al. (U.S. Patent 7,051,091) and further in view of Carroll et al. (2003/0097211) should be withdrawn and Applicants respectfully request reconsideration of the presently amended claims 5-6.

Turning to the rejection of claim 7 under 35 U. S. C. §103(a) as being unpatentable over Cheng et al. (2003/0046676) in view of Vincent (2004/0015953), Applicants contend that the combined teachings of Cheng et al. and Vincent do not teach the present claims, as amended. Since the teachings of Cheng et al. has been discussed hereinabove with respect to claims 1 and 3, Applicants turn to Vincent, which Applicants

contend teaches updating software components used to process content data in a data file. In particular, a processing program on the user computer requests a data file that includes a required component list identifying the required software components and required versions needed to process the content data in the data file. The processing program determines whether the required components on the component list are installed, if not, the processing program requests an update table identifying network locations from which the required software components can be obtained. Further, if the required component list includes new versions of required software components, these new versions are requested from the network locations. As such, Applicants contend that the proposed combined teachings of Cheng et al. (2003/0046676) in view of Vincent (2004/0015953) do not teach the presently amended claims and, further, that neither the separate teachings of Cheng et al. (2003/0046676) or Vincent (2004/0015953) teach the presently amended claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7 under 35 U. S. C. §103 (a) as being unpatentable over Cheng et al. (2003/0046676) taken in view of Vincent (2004/0015953) and Applicants respectfully request reconsideration of the presently amended claim 7.

Accordingly, Applicants believe that the present claims 1, 3-4 and 7-10 are in condition for allowance and Applicants respectfully request allowance of the present claims 1, 3-4 and 7-10. Reconsideration and withdrawal of the claim rejections and allowance of the present claims 1, 3-4 and 7-10 in this case are respectfully requested. If these amendments do not result in a withdrawal of the claim rejections for claims 1, 3-4

and 7-10 and a Notice of Allowance, Applicants respectfully request a telephone interview to accelerate prosecution of the application.

Respectfully submitted,

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